

## Subpart—Coffee

### QUARANTINE

#### § 319.73 Notice of quarantine.

Pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), and after the public hearing required thereunder, the Administrator of the Animal and Plant Health Inspection Service hereby determines that the unrestricted importation into Puerto Rico and Hawaii from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, (c) coffee plants and leaves, and (d) empty sacks previously used for unroasted coffee, may result in the entry into Puerto Rico and Hawaii of the coffee berry borer (*Stephanoderes hampei* Ferr. [*S. coffeae* Hgdn.]) and an injurious rust disease caused by the fungus *Hemileia vastatrix* B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall

be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

### REGULATIONS

#### § 319.73–1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Deputy Administrator*. The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Inspector*. A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Plant Quarantine Act and the Federal Plant Pest Act.

(c) *Plant Protection and Quarantine Programs*. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

[35 FR 14497, Sept. 16, 1970, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972]

#### § 319.73–2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico or Hawaii, except as provided in § 319.73–3.

[35 FR 14497, Sept. 16, 1970]